

Notice of Allowability

Application No.

10/036,157

Examiner

Greg F. Cunningham

Applicant(s)

MATRASZEK ET AL.

Art Unit

2624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment received 6/11/2007.
2. ☒ The allowed claim(s) is/are 1,2,4-7,9-12,27 and 29-36.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892).
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

DETAILED ACTION

1. This action is responsive to amendment filed 6/11/2007.
2. The disposition of the claims is as follows: claims 1, 2, 4-7, 9-12, 27 and 29-36 are pending in the application. Claims 1, 7, 29 and 34 are independent claims. Claims 3, 8, 13-26, 28 and 37 have been cancelled.

Claim Rejections - 35 USC § 101

3. In view of the amended claims 101 rejections are withdrawn.

Claim Rejections - 35 USC § 103

4. In view of amended and cancelled claims and review of cited references, 103 rejections are withdrawn.

Examiner's Amendment

5. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Attorney Raymond L. Owens (Registration No.: 22,363) on 7/24/2007.

The application has been amended as follows:

- A. Change last two lines of claims 1 and 29 from:

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-- wherein the quantitative value of the affective information can be utilized to selectively retrieve the digital image. --

To now read as:

-- wherein the quantitative value of the affective information is utilized to selectively retrieve the digital image. --

B. Not authorized, however needed, change last line of claim 34 from:

-- wherein the TIFF IFD also stores the user identifier; --

To now read as:

-- wherein the TIFF IFD also stores the user identifier. --

Allowable Subject Matter

6. Claims 1, 2, 4-7, 9-12, 27 and 29-36 are allowed.

7. The following is an examiner's statement of reasons for allowance:

Applicant's amended independent claims 1, 7 and 29 stand novel over the related prior art. For instance, the related art of Shepard et al. (US Pub. No. 2003/0191682), in view of Microsoft Press Computer Dictionary discloses a system in which a plurality of individuals rate a plurality of different visual representations. The ratings are then processed to determine an average rating for each of the visual representations. The average ratings can be utilized by companies to determine which visual representation.

However, independent claims 1, 7 and 29 relate to the feelings or emotions of a particular user identified by a user identifier toward the stored digital image. The affective information including a quantitative value which is an importance rating of the digital image. The invention

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allows for the personalization of stored images related to the importance a particular user places on a particular image, as the quantitative value of the affective information is then used to selectively retrieve the stored digital images.

Independent claim 34 further limits the feelings or emotions of the particular user identified by the user identifier toward the digital image stored in the image file, wherein the affective information includes a quantitative value which is an importance rating of the digital image; wherein the image file is a EXIF image file; wherein the affective information is stored using a TIFF IFD; and wherein the TIFF IFD also stores the user identifier.

Therefore as claimed by the combined elements of amended independent claims 1, 7, 29 and 34, the cited references and prior art of record lack separately and in combination the elements of amended claims.

Claims (2, 4-6, 10-12, 27, 30-33), 9 and 35-36 depend from allowable independent claims (1), 7 and 34, respectively, and therefore are also allowed.

8. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Responses

9. Responses to this action should be mailed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231. If applicant desires to fax a response, (703) 872-9306 may be used for formal communications.

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Inquiries

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory F. Cunningham whose telephone number is (571) 272-7784.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matt Bella can be reached on (571) 272-7778. The fax phone number for the organization where this application or proceeding is assigned is **571-273-8300**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Greg Cunningham

Examiner, Art Unit 2624

7/24/2007



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